



THE CITY OF NEW YORK  
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December 7, 2017

**BY ECF**

Honorable Andrew L. Carter  
United States District Judge  
Southern District of New York  
40 Foley Square  
New York, New York 10007

Re: Randy Singleton v. P.O. Charne Jimenez, 15 Civ. 1011 (ALC)

Your Honor:

I am an attorney in the office of Zachary W. Carter, Corporation Counsel of the City of New York, counsel for defendant Charne Jimenez (s/h/a “P.O. Charne Jimenez”) in the above-referenced action. Defendant writes to supplement his proposed jury charge, submitted on November 15, 2017 (ECF No. 61). Defendant respectfully requests that the following language be inserted on page 17 of defendant’s proposed charge, at the end of the second paragraph on that page:

The presence of a controlled substance in an automobile is presumptive evidence of knowing possession of that controlled substance by each and every person in the automobile at the time the controlled substance was found.<sup>1</sup> It is undisputed that plaintiff was inside the livery cab at the time it was stopped by police. If you find that there was a controlled substance in the livery cab at the time it was recovered by Officer Jimenez, there was probable cause to arrest plaintiff for possession of that controlled substance, and you must find in favor of defendant on plaintiff’s false arrest claim.

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<sup>1</sup> N.Y. Penal Law § 220.25.

I thank the Court for its time and consideration herein.

Respectfully submitted,

/s/

Ashley R. Garman  
*Senior Counsel*

cc: Robert Marinelli, Esq. (**By ECF**)